



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject WEAPONS	Number 34-08T
Originating Department MONTGOMERY COUNTY DEPARTMENT OF POLICE	Effective Date October 16, 2008

Montgomery County Regulation on
DISCHARGE OF GUNS WITHIN MONTGOMERY COUNTY
DEPARTMENT OF POLICE
Issued by: County Executive
Regulation No. 34-08T
COMCOR

Authority: Montgomery County Code, 1965, as amended
Section 2-22, Section 57-4(e), and Section 2A-15(j)

Supersedes: 16-93

Council Review: Code Section 2A-15(j)

Register Vol. 25 No. 10

Comment Deadline:

Effective Date: October 16, 2008

Sunset Date: January 14, 2009

SUMMARY: The purpose of this temporary regulation is to establish procedures and criteria that the Chief of Police must use to determine whether it is safe to discharge a gun under a deer damage control permit issued by the Department of Natural Resources and to establish rules for deer hunting on land at least 50 acres in size within the Urban Area.

ADDRESS: Montgomery County Department of Police
2350 Research Boulevard
Rockville, Maryland 20850

STAFF CONTACT: Captain Donald Johnson, Commander
Third District
Telephone (301) 565-7740

BACKGROUND: The current overpopulation of deer in the County has been causing substantial economic harm to the County's farmers and other agriculturalists. According to a 2004 landowner survey, the deer have destroyed the forest habitat in the County and account for more than \$1 million in crop losses to Montgomery County farmers. Recent amendments to Montgomery County Code, Chapter 57, Weapons, make it easier for residents to protect their property from deer impacts by permitting the discharge of firearms on private land without police approval or a site inspection so long as certain requirements are met. This regulation is intended to ensure the public's safety during hunts on these parcels.



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Sec. 1. Procedures. (a) When the Department of Natural Resources (DNR) receives a request for a deer damage control permit at a location that is less than 50 acres within the urban area, DNR will contact the Montgomery County Police Department's (MCPD) police district serving the area in which the requestor's site is located. The DNR agent and an executive officer (lieutenant or above) from the police district will thereafter meet at the location where the permit has been requested within three (3) calendar days of the formal request.

The DNR agent and MCPD executive officer will together inspect the location to resolve any issues or questions. The DNR agent will have the sole responsibility for determining the need for the issuance of the deer damage control permit. The MCPD executive officer will inspect the site from the standpoint of safety issues, including, but not limited to, the location's proximity to occupied buildings and/or roadways, whether the location provides for downward trajectory, and any other consideration that may necessitate restricting the use of a firearm to carry out the stated purpose of the deer damage control permit.

If the DNR agent determines that a deer damage control permit is to be issued, he will complete the permit listing the permit's tag numbers to be used and give the completed permit to the MCPD executive officer. The MCPD executive officer will then complete a MCP Form # 590, Addendum to DNR Deer Damage Control Permit, listing all deer tag numbers and restrictions with which the permit holder must comply. The MCPD executive officer will forward the deer damage control permit and addendum along with a memorandum outlining the reasons for any restrictions to the Chief of Police for review and signature within three (3) calendar days.

After reviewing the documentation submitted for the deer damage control permit from both the DNR and MCPD executive officer, the Chief of Police will either approve or disapprove the request, sign and date the MCP Form # 590. After signing, the originals of the MCP Form # 590 and the Deer Damage Control Permit will be returned to the person requesting the permit by U.S. mail within four calendar days. The remaining two copies of the forms will be forwarded to the Department of Natural Resources for their records. The Department of Police will maintain its files.

(b) Whenever deer hunting is to occur on private property of at least 50 acres in size, the property owner(s) must, at least 15 days before any weapon is discharged, post the perimeter of the property and, where applicable, at each road entrance to the property, with signs that:

(1) are placed where the signs may reasonably be seen by passersby or from any adjacent roadway or public waterway and other land adjoining the property;



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- (2) are posted at least every 100 yards along the perimeter of the property;
- (3) are at least 12 inches wide by 17 inches high
- (4) have black lettering on a yellow background;
- (5) that include the following warning: "CAUTION: Firearms in use for deer hunting on this property from (date) to (date). No Trespassing."

Sec. 3. Applicability. Any person within an urban area whose livelihood is threatened by property damage caused by deer may apply for a deer damage control permit, except that no permit is necessary on land at least 50 acres in size.

Sec. 4. Severability. If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.

Approved:

10/9/2008
Date

Isiah Leggett (Acting)
Isiah Leggett, County Executive

APPROVED AS TO FORM AND LEGALITY
OFFICE OF THE COUNTY ATTORNEY

By: [Signature]
Associate County Attorney

Date: 10/9/08